

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

D. ALEXANDRA WOLFE,

Plaintiff,

v.

CHRISTINE RANDALL,

Defendant.

Case No. 3:21-cv-5421

NOTICE OF REMOVAL

(Cowlitz County District Court
Small Claim No. 21S000024)

TO: CLERK OF THE ABOVE-ENTITLED COURT;

AND TO: D. Alexandra Wolfe, Pro Se Plaintiff:

Federal Defendant Christine Randall, by and through undersigned counsel of record, Tessa M. Gorman, Acting United States Attorney for the Western District of Washington, and Kristen R. Vogel, Assistant United States Attorney for said District, hereby respectfully files with the Court this Notice of Removal pursuant to Title 28, United States Code, Section 1442, to remove Case No. 21S000024, from the District Court of Cowlitz County. In support of this notice, the United States submits the following:

1. That on or about April 12, 2021, Plaintiff D. Alexandra Wolfe, in her individual capacity, filed a Notice of Small Claim in Cowlitz County District Court against an employee of

1 the United States Department of Veterans Affairs, Christine Randall, in her individual capacity.
2 Specifically, Plaintiff alleges that Ms. Randall accused her of “numerous allegations that were
3 fraudulent” and as a result, she had to pay a lawyer \$10,000 to defend her job which she
4 subsequently lost after 14 years. *See* Notice of Small Claim, attached as Exhibit A.

5 2. The above-referenced state court action may be removed to the United States
6 District Court under 28 U.S.C. § 1442(a)(1), by virtue of the following:

7 a. At all times and in all respects relevant to the allegations in the Notice of
8 Small Claim, and upon information and belief, the Plaintiff alleges acts or omissions (here, acts
9 of defamation) committed by Christine Randall when she was acting within the course and scope
10 of her employment as an employee of the United States Department of Veterans Affairs because
11 Ms. Randall has been sued solely for her act of reporting Plaintiff’s employee misconduct to VA
12 management.

13 b. Pursuant to 28 U.S.C. § 2679(d), the United States of America is the real
14 party in interest for common law tort suits brought against a federal agency or federal employees
15 acting within the scope of their employment.

16 c. Common law tort claims against the United States, its agencies, or its
17 officers acting in the scope of their employment can only be brought pursuant to the Federal Tort
18 Claims Act. 28 U.S.C. § 2679(b)(1).

19 3. Under LCR 101(b), Defendant attaches a copy of the Notice of Small Claim in
20 this matter as Exhibit A. The United States will file copies of all records from the Cowlitz County
21 District Court proceeding (No. 21S000024).

22 4. A copy of this Notice of Removal is being served upon all parties to the underlying
23 litigation and will be promptly filed with the clerk of the Cowlitz County District Court.
24

1 5. Intradistrict Assignment. Upon information and belief and during the relevant
2 time period giving rise to the allegations of the Claim, Plaintiff presently resides in Cowlitz
3 County, Washington. Additionally, upon information and belief, Case No. 21S000024 is
4 currently pending in the District Court of Cowlitz County, Washington. Accordingly, and
5 pursuant to Local Rule CR 3(d), this case should be assigned to a judge in Tacoma.

6 WHEREFORE, based upon the foregoing and pursuant to 28 U.S.C. § 1442(a)(1), the
7 above-referenced action is removed from the District Court of Cowlitz County, Washington, to
8 the United States District Court for the Western District of Washington.

9 DATED this 4th day of June, 2021.

10
11 Respectfully submitted,

12 TESSA M. GORMAN
 Acting United States Attorney

13 s/ Kristen R. Vogel

14 KRISTEN R. VOGEL, NYBA #5195664

15 Assistant United States Attorney

16 United States Attorney's Office

17 700 Stewart Street, Suite 5220

18 Seattle, Washington 98101-1271

19 Phone: 206-553-7970

20 Fax: 206-553-4067

21 Email: kristen.vogel@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers;

I further certify that on June 4, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

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I further certify that on June 4, 2021, I served the foregoing on the following non-CM/ECF participant, via USPS First-Class Mail, postage prepaid, addressed as follows:

D. Alexandra Wolfe (Pro Se)
2410 Burcham St.
Kelso, WA 98626

Dated this 4th day of June, 2021.

s/ Hung Nguyen
HUNG NGUYEN, Legal Assistant
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